
5.4 - Cultural Resources

5.4.1 - Introduction

This section describes the existing cultural resources setting and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based on information contained in the Phase I Cultural Resources Assessment, Significance Evaluations and Paleontological Records Review for the Marina Park project prepared in October 2008 by Michael Brandman Associates (MBA) and included in this EIR as Appendix E, Cultural Resources Assessment.

5.4.2 - Existing Conditions

The project area is generally flat, and it is situated approximately 5 to 10 feet above mean sea level. Located on the south side of the Newport Bay, the northern portion of the project area exhibits a public sand beach known as Mother's Beach, which extends into the Bay. The remaining portions of the project area are paved with asphalt; are covered by mobile homes, community buildings, commercial properties, and tennis courts; or exhibit manicured lawns within park space. As a result of this high level of urbanization, the original ground surface and the soils are not observable within the project area.

Previous geologic mapping indicates that the project area is situated upon surface deposits of younger Quaternary Alluvium derived as either fluvial deposits associated with Newport Bay or as beach sands from Newport Beach. These deposits may overlie Quaternary terrace deposits at an unknown depth.

The project area contains highly developed areas exhibiting ornamental vegetation, including manicured trees, shrubs, flowers, and grasses.

Prehistoric Archaeology

Early Period (before 6000 B.C.)

Beginning with the first human presence in California, prehistoric artifacts and cultural activities appear to represent a big-game hunting tradition. Very few sites from the Early Period exist, especially in inland areas. Of the Early Period sites that have been excavated and dated, most exhibit a refuse assemblage suggesting short-term occupation. Such sites have been detected in caves and around fluvial lakes fed by streams that existed near the end of the last glaciation. Chipped stone tools at these sites are surmised to reflect a specialized tool kit used by hunters. Large-stemmed bifaces are common. Millingstones and dart points are not part of the Early Period tool assemblage.

Millingstone Period (6000 to 3000 B.C.)

The onset of the Millingstone Period appears to correspond with an interval of warm and dry weather known as the Altithermal (Wallace 1978). Artifact assemblages begin to reflect an emphasis on plant foods and foraging subsistence systems, as evidenced by the grinding tools found at these sites, and

additionally include choppers and scraper planes. Notably, there is a reduced number of large bifaces in the excavated assemblages. Sites are occupied for a greater duration than Early Period sites, based on an increase in occupational debris.

Although numerous Millingstone sites have been identified in Orange County, few are actually dated. The best understood of these is CA-ORA-64, which has been radiometrically dated to about 6000 B.C. (Breece et al. 1988). Excavations at this site located near Newport Bay have been essential to the formulation of local research models (Koerper 1981). Although this site is not located within the 1-mile search radius of the project area, it is found nearby. Research at this site suggests a settlement-subsistence system during the Millingstone Period reflecting a semi-sedentary lifestyle. The regional distribution of Millingstone sites reflects the theory that aboriginal groups may have followed a modified central-based wandering settlement pattern. Under this model, large groups would have occupied a base camp for a portion of the year, with smaller bands occupying subsidiary camps in order to exploit resources not generally available near the base camp. Sedentism apparently increased in areas possessing an abundance of resources that were available for longer periods. Arid inland regions would have provided a seasonally and spatially dispersed resource base, restricting sedentary occupation compared to the coastal areas. Generally, the Millingstone assemblage in the Los Angeles basin is typified by large and heavy deep-basin metates, wedge-shaped manos, and large choppers and scrapers. Flaked lithic tools are slightly larger and cruder than in later periods, and cogstones begin to appear.

Intermediate Period (3000 B.C. to A.D. 500)

Dating between roughly 3000 B.C. and A.D. 500, the Intermediate Period represents a slow technological transition, which is presumably related to the slowly drying and warming climate. Site artifact assemblages retain many attributes of the Millingstone Period. Technologically speaking, these sites are difficult to distinguish from earlier sites in the absence of radiometric dates. Additionally, these sites generally contain a reduced number of large-stemmed or notched projectile points but with an increase in portable mortars and pestles. The lack of large points combined with the mortars and pestles suggest that the indigenous populations may have preferred harvesting, processing, and consuming acorns and other seeds over hunting. Due to a general lack of data, neither the settlement and subsistence systems nor the cultural evolution of this period are well understood. It has been proposed by some researchers that group sedentarism increased with the exploitation of storable, high-yield plant food resources such as acorns. The duration and intensity of occupation at base camps increased during this period, especially in the later part of the period. Generally, the Intermediate Period artifact assemblage in the Los Angeles basin is vague, including elements of the Late Prehistoric Period and Millingstone Period, such as heavy grinding implements. A higher percentage of projectile points occur and smaller chipped stone tools are used.

Late Prehistoric Period (A.D. 500 to A.D. 1769)

Extending from about A.D. 500 to Spanish contact in A.D. 1769, the Late Prehistoric Period reflects an increased sophistication and diversity in technology. Village sites are common. Late assemblages

characteristically contain small projectile or dart points, which imply the use of the bow and arrow. In addition, assemblages include steatite bowls, asphaltum artifacts, grave goods, and elaborate shell ornaments. Use of bedrock milling stations is purported to have been widespread during this period, as it was in the previous period. Increased hunting efficiency and widespread exploitation of acorns provided reliable and storable food resources. Pottery, previously traded into the area, is made locally during the latest stage of this Period and is of simple construction technology. Cameron (1999) names several village sites in inland Orange County that are located within Gabrieliño territory. These exhibited pottery, which suggests that the pre-contact Gabrieliño may have used pottery as a part of their lifestyle. One of these Late Prehistoric Period sites, Tomato Springs (CA-ORA-244), has been the subject of numerous excavations (Cottrell 1985) and is currently undergoing excavation.

Native American History

The project area is situated within an area that has been ethnographically mapped as the Gabrieliño traditional-use area. The Gabrieliño tribal territory is mapped as extending north from Aliso Creek to just beyond Topanga Canyon along the Pacific Coast, and inland to the City of San Bernardino (Bean and Smith 1978). Their territory would have included portions of the Santa Ana River and several islands, such as Catalina. It is likely that these tribal boundaries were fluid and allowed for contact, trade, and diffusion of ideas between neighboring groups.

The Gabrieliño

Kroeber (1925) and Bean and Smith (1978) form the primary historical references for this tribal group. The arrival of Spanish explorers and the establishment of missions and outposts during the eighteenth century ended the Prehistoric Period in California. At this time, traditional Gabrieliño society began to fragment as a result of foreign diseases and the mass removal of local Indian groups to Mission San Gabriel and Mission San Juan Capistrano.

The Gabrieliño spoke a language that belongs to the Cupan group of the Takic subfamily of the Uto-Aztecan language family (a language family that includes the Shoshonean groups of the Great Basin). The total Gabrieliño population in about 1770 AD was roughly 5,000 persons, based on an estimate of 100 small villages with approximately 50 to 200 people per village. Their range is generally thought to have been located along the Pacific coast from Malibu to San Pedro Bay, south to Aliso Creek, then east to Temescal Canyon, then north to the headwaters of the San Gabriel River. Also included were several islands, including Catalina. This large area encompasses the City of Los Angeles, much of Rancho Cucamonga, Corona, Glendale, and Long Beach. By 1800, most traditional Gabrieliños had either been killed or subjugated by the Spanish.

The first modern social analyses of Gabrieliño culture took place in the early part of the twentieth century (Kroeber 1925). By this time, acculturation and disease had devastated this group, and the population studied was a remnant of their pre-contact form. Nonetheless, the early ethnographers viewed the Gabrieliño as a chief-oriented society of semi-sedentary hunter-gatherers. Influenced by coastal and interior environmental settings, their material culture was quite elaborate and consisted of

well-made wood, bone, stone, and shell items. Included among these was a hunting stick made to bring down numerous types of game.

Located in an area of extreme environmental diversity, large villages may have been permanent, such as that found on or near Red Hill in Rancho Cucamonga, with satellite villages utilized seasonally. Their living structures were large, domed, circular thatched rooms that may have housed multiple families. The society exhibited ranked individuals, possibly chiefs, who possessed a much higher level of economic power than unranked persons.

Area History

The City of Newport Beach is located on land that was originally occupied by Native Americans and, after 1769, by Spanish settlers, Mexican ranchers, and American entrepreneurs. By 1850, California had become a state, and Americans began to change the character of California with ranches, orchards, and new cities. The city of Newport Beach began in the mid-1800s when the state of California sold several of the small islands and peninsula areas as swamp and overflow land for \$1 an acre. Harbor, Balboa, and Lido Islands formed the foundation for the eventual development of the City of Newport Beach. In 1870, Captain Samuel S. Dunnells brought his river steamer, the *Vaquero*, into the upper Newport Bay, bringing attention to the bay area. In 1888, James and Robert McFadden and their business associate, James Irvine, moved their shipping business from the inner shores of Newport Bay to the deeper waters of the oceanfront area. The McFadden wharf soon became the largest business in the region, shipping agricultural products and manufactured goods out from the beach areas. The growth of the area was heightened by the arrival in 1905 of the Pacific Electric Railway Company. The rapid transit system attracted new residents, commuters, and tourists. Small hotels and cottages along the beaches developed, and villages such as West Newport, East Newport, Bay Island, and Balboa Island began to dot the beaches and peninsula areas. In 1906, the City of Newport Beach was incorporated by joining these small communities, and in 1924 the City of Corona Del Mar was annexed officially. In 1926, the Pacific Coast Highway was built, and in 1936 the North Harbor was dedicated. During the 1940s, the Newport Beach area became a vital hub for warships and defense industries. In the 1950s, the Santa Ana Freeway, Interstate 5, was built, dramatically increasing the growth of the area. By the 1970s, rapid urbanization with new businesses, residential growth, and tourism had changed the area.

Historical Resources

Records Search

The primary purpose of an historical resource record search is to determine what historical resources more than 45 years old have been recorded in the vicinity of or within the project area and whether such resources will be or could be impacted by development. A records search was conducted at the South Central Coastal Information Center (SCCIC), which is located at California State University, Fullerton, to determine the existence of previously documented cultural resources in the City and County. This records search included reviews of archival maps and examinations of current inventories of the:

- National Register of Historic Places (NRHP)
- California Register of Historical Resources (CR)
- California Historical Landmarks (CHL)
- California Points of Historical Interest (CPHI)
- California State Historic Resources Inventory (HRI)

On July 10, 2008, MBA conducted a records search at the SCCIC to identify any historic properties. MBA examined the current inventories of the NRHP, CR, CHL, and CPHI. In addition, MBA reviewed the HRI and archival maps for the County and the City to determine the existence of previously documented local historical resources.

Review of the 1896 USGS Santa Ana 30 minute; the 1901 (reprinted 1945) Santa Ana, Calif. 15 minute; and the 1902 (reprinted 1946) USGS Corona, Calif. 30 minute topographic maps revealed neither structures nor any other development within the project area boundaries. All of the listed maps do depict the intersection of the Southern Pacific Railroad (SPRR) Newport Beach Branch and the SPRR Smeltzer Branch to the west-northwest of the project area. One of the SPRR branches then continues southerly to Newport Beach proper, within 0.25 miles of the project area. These maps also depict numerous structures near the SPRR branches; however, all of these structures appear to be mapped to the south of Balboa Boulevard.

According to SCCIC files, the project area has not been previously surveyed, and minimal surveys have been conducted near the project-area boundaries. A total of 15 studies have been conducted within a 1-mile radius, and the majority of these studies were completed along Pacific Coast Highway and State Route 55. In addition, there are no known cultural resources located within the project-area boundaries. However, there are nine cultural resources known within the 1-mile search radius, including four prehistoric-age and five historic-age resources. Two of the resources are California Historical Landmarks, one is an NRHP-listed property, and one resource is considered a historical landmark by the Newport Beach Historical Society but is not recognized by the City of Newport Beach as a landmark building. The following table outlines these previously recorded resources, as found in the 1-mile search radius on the Newport Beach, California topographic quadrangle.

Table 5.4-1: Previously Recorded Cultural Resources

Site Name	Type	~1-mile radius	~0.5-mile radius	0.25-mile radius	On Site?
CA-Ora-59	Prehistoric age – the traces of a “camp site” recorded in 1912 as a mound of shell.	●	—	—	No
CA-Ora-60	Prehistoric age – the traces of a “camp site” recorded in 1912 as a scatter of clam, oyster, and univalve shell.	●	—	—	No

Table 5.4-1 (Cont.): Previously Recorded Cultural Resources

Site Name	Type	~1-mile radius	~0.5-mile radius	0.25-mile radius	On Site?
CA-Ora-61	Prehistoric age – the traces of a “camp site” recorded in 1912 as a scatter of shell. The presence of a small, wood-frame house was noted at the site, and the prehistoric age of the shell scatter was considered potentially suspect by the original recorder as a result.	●	—	—	No
CA-Ora-62	Prehistoric age – the traces of a “camp site” recorded in 1912. Oral tradition (1912) noted the presence of numerous skeletons, mortars, pestles and other artifacts detected at this location.	●	—	—	No
30-176654	Historic age – the Our Lady Mount Carmel church built in 1951. The recorders note that the structure does not appear to be eligible for inclusion in the NRHP. (NR-6Y)	—	—	●	No
30-179867	Historic age – the South Coast Shipyard, comprised of three groups of buildings built at various dates. The recorder/evaluator notes that none of the buildings appear to be individually eligible for listing in the CR. However, the grouping of buildings are referenced as a historic district and are considered eligible for listing at the local level. The South Coast Shipyard is recognized as a historical landmark by the Newport Beach Historical Society but is not recognized by the City of Newport Beach as a landmark building.	—	—	●	No
30-162261/ CHL 198	Historic age – the Old Landing site, where the area was named Newport by James Irvine, Benjamin Flint, James McFadden, and Robert McFadden in 1870. This is also the site of a shipping service run by the McFaddens in the 1870s and 1880s. (NR-7L)	●	—	—	No
30-162258/ CHL 794	Historic age – The site of the McFadden Wharf, originally constructed in 1888 by the McFadden brothers. (NR-1CL)	—	—	●	No
30-158585/ NR 74000545	Historic age – the Lovell Beach House, built in 1926. (NR-1S)	—	—	●	No
Source: Michael Brandman Associates 2008.					

Pedestrian Survey

The project area was surveyed by MBA on July 11, 2008. The project area was not examined using the standard block-transect technique generally employed for archaeological pedestrian surveys. Rather, the paved and park portions of the project area were walked trending from east to west. This modified technique was employed based upon the negligible original ground surface visibility, due to the highly urbanized nature of the project area.

During the pedestrian survey, no prehistoric-age archaeological resources were detected. However, several historic-age structures and structure complexes were observed. The following resources were recorded on DPR 523 Forms and evaluated for significance: The American Legion Post 291 Property, Marina Park Mobile Home Park, 19th Street Restroom, Las Arenas Park, and the Southern California Edison Property, and Bayshores Peninsula Hotel.

Significance Evaluation

Each of the resources recorded on DPR 523 Forms were evaluated for significance (see Appendix E). The evaluation was based on an assessment under the NRHP criteria. None of the resources were found to be eligible for inclusion in the NRHP or the CRHR.

Paleontological Resources

Records Search

The primary purpose of a paleontological analysis is to determine the potential for impacts to significant paleontological resources in the project area. Thus, an information request was made to the Vertebrate Paleontology Section at the Natural History Museum of Los Angeles. The results of the paleontology literature and records review assist in determining the need or lack thereof for additional paleontological studies or mitigation measures.

The paleontological records check was requested on July 15, 2008. A response was received on August 6, 2008 from Dr. Samuel McLeod of the Vertebrate Paleontology Section at the Natural History Museum of Los Angeles County (McLeod 2008). The paleontological review showed that the entire project area is situated upon surface deposits of younger Quaternary Alluvium derived as either fluvial deposits associated with Newport Bay or as beach sands from nearby Newport Beach. There are no known fossil vertebrate localities nearby from younger Quaternary Alluvium deposits, and it is unlikely that such deposits will contain significant vertebrate fossils. However, these deposits may overlie older Quaternary terrace deposits at an unknown depth. These older Quaternary terrace deposits have been known to yield fossil resources within the region. Locality LACM 6370 produced a fossil specimen of the extinct horse *Equus* from older Quaternary terrace deposits, which may be present within the project area.

5.4.3 - Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, the following questions are analyzed and evaluated to determine whether impacts to cultural resources are significant environmental effects. Would the project:

- a.) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?
- b.) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c.) Directly or indirectly destroy a unique paleontological resource or site or a unique geologic feature?
- d.) Disturb any human remains, including those interred outside of formal cemeteries?

5.4.4 - Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Historic Resource

Impact 5.4-A: The project would cause a substantial adverse change in the significance of an historical resource as defined in §15064.5.

Project-Specific Analysis

Based on the records search, there are five historic age resources and based on the pedestrian survey, there were an additional seven potentially historic resources that were found. The five historic age resources include Out Lady Mount Carmel Church, the South Coast Shipyard, the Old Landing site, the site of McFadden Wharf, and the Lovell Beach House. None of the five resources are located on the project site, and therefore, would not be affected by project implementation. The additional seven potentially historic resources on and in the immediate vicinity of the site were evaluated for historical significance, and they did not meet the criteria as described previously. As a result, implementation of the proposed project would result in no impacts on historical resources.

Cumulative

Since the proposed project would not impact historic resources, the proposed project would not contribute to potential cumulative historic impacts.

Mitigation Measures

Project Specific

No mitigation measures are required.

Cumulative

No mitigation measures are required.

Level of Significance After Mitigation

Project Specific

Less than significant.

Cumulative

Less than significant.

Archaeological Resource

Impact 5.4-B: The project would cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

Project-Specific Analysis

Based on the records search, there are four previously recorded archaeological resources and based on the pedestrian survey, there were no archaeological resources that were found. The four archaeological resources include “camp sites” discovered in 1912. None of the four resources are located on the project site, and therefore, would not be affected by project implementation.

Based upon the high level of urbanization present within the project area and the resultant ground disturbance, in conjunction with the environmental setting where the project area has been subject to historic-era ground disturbance from the movement of nearby ocean waters, MBA finds a low probability that significant, intact subsurface deposits will be uncovered during development. For this reason, MBA does not recommend archaeological monitoring during development. However, given the location of the project area along the culturally sensitive California coast, the cultural resource sensitivity of the project area was determined to be moderate to high for potential impacts to resources of concern to Native American groups. Therefore, project construction activities could result in potential archaeological resource impacts to Native American groups. These potential impacts are considered significant.

As stated above, there is a low probability that significant archaeological resources would be uncovered during construction activities. In the unlikely event that unknown archaeological resources are found onsite, the proposed project could possibly result in significant impacts on unknown archaeological resources.

Cumulative

As described above, construction activities associated with the project could result in potential significant impacts to resources of concern to Native American groups. This potential impact could contribute to cumulative impacts on archaeological resources. Therefore, the project could result in significant cumulative archaeological impacts.

Mitigation Measures*Project Specific*

- MM-5.4-B.1** The City shall provide an opportunity for a Native American representative to monitor excavation and dredging activities. The representative shall be determined by the City based on input from concerned Native American tribes (i.e., Gabrielino, Juaneno, and Tongvas).
- MM-5.4-B.2** The City shall avoid archaeological site, cap or cover the archaeological site with a layer of soil before building on the affected site, or excavate to adequately recover the scientifically consequential information from and about the resource.

Cumulative

Implementation of Mitigation Measures MM 5.4-B.1 and MM 5.4-B.2 are required.

Level of Significance After Mitigation*Project Specific*

Less than significant.

Cumulative

Less than significant.

Paleontological Resource or Geologic Feature

Impact 5.4-C: The project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Project-Specific Analysis

Previous geologic mapping has determined that the project area is situated upon surface deposits of younger Quaternary Alluvium with low fossil-bearing potential. However, these sediments may overlie sensitive older Quaternary terrace deposits at an unknown depth. Such deposits are known to yield significant vertebrate fossils within the region. Based on the potential for finds within the older deposits, construction activities associated with the project area has moderate paleontologic sensitivity within older Quaternary terrace deposits if present within the subsurface of the project area. Therefore, potentially significant impacts to paleontological resources could result from construction activities.

Cumulative

As described above, the potential for impacts to significant paleontological resources are considered moderate if older Quaternary terrace deposits are present within the subsurface of the project area. Therefore, the proposed project could contribute to potential significant cumulative impacts to paleontological resources.

Mitigation Measures

Project Specific

MM 5.4-C.1 A qualified paleontologist shall be retained to observe grading activities and conduct salvage excavation of paleontological resources as necessary. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resources surveillance, and shall establish, in cooperation with the City, procedures for temporarily halting or redirecting work to permit the sampling, identification and evaluation of the fossils as appropriate. If additional or unexpected paleontological features are discovered, the paleontologist shall report such findings to the City Planning Department. If the paleontological resources are found to be significant, the paleontological observer shall determine appropriate actions, in cooperation with the City, for exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Planning Director.

Cumulative

Implementation of Mitigation Measures MM 5.4-C.1 is required.

Level of Significance After Mitigation

Project Specific

Less than significant.

Cumulative

Less than significant.

Human Remains

Impact 5.4-D: **The project would not disturb any human remains, including those interred outside of formal cemeteries.**

Project-Specific Analysis

No remains are known to be present on site. The project site has been previously graded. In the event that unknown remains are discovered on the project site during construction activities, compliance with the State Health and Safety Code 7050.5, is required. This requirement is summarized as follows.

“If human remains are encountered, the state Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the county coroner has made a determination of the origin and disposition pursuant to Public Resources Code 5097.98. The County Coroner must be notified immediately of the find. If the remains are determined to be prehistoric, the coroner is required to notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the City

(owner of the land) or its authorized representative, the descendant may inspect the site of the discovery. The descendant shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.”

There is always the unlikely event that ground-disturbing activities during construction may uncover previously unknown buried human remains. Should this occur, Federal laws and standards apply, including the Native American Graves Protection and Repatriation Act (NAGPRA) and its regulations found in the Code of Federal Regulations at 43 CFR 10.

In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code § 7050.5 dictates that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to CEQA regulations and Public Resources Code (PRC) § 5097.98.

Given that the discovery of unknown buried human remains would result in the need to comply with existing laws and regulations, the construction of the proposed project would result in less than significant impacts to human remains.

Cumulative

As described above, no remains are known to be present onsite and existing laws and regulations exist if unknown buried human remains are discovered. Therefore, the proposed project’s potential contribution to cumulative impacts to human remains is considered less than cumulatively considerable.

Mitigation Measures

Project Specific

MM-5.4-D.1 In accordance with the Public Resources Code §5097.94, if human remains are found, the Orange County Coroner must be notified within 24 hours of the discovery. If the Coroner determines that the remains are not recent, the Coroner will notify the Native American Heritage Commission in Sacramento to determine the most likely descended for the area. The designated Native American representative then determines in consultation with the City the disposition of the human remains.

Cumulative

No mitigation measures are required.

Level of Significance After Mitigation

Project Specific

Less than significant.

Cumulative

Less than significant.

